

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

US DOMINION, INC., et al.,

Plaintiffs,

v.

HERRING NETWORKS, INC., et al.,

Defendants.

Civil Action No. 2:24-mc-00582-BHH

Underlying Litigation:
No. 1:21-cv-2130-CJN-MAU (D.D.C.)
(filed August 10, 2021)

ORAL ARGUMENT REQUESTED

**WILLIAM E. KENNARD’S MOTION TO QUASH, FOR A PROTECTIVE ORDER,
AND FOR SANCTIONS**

William E. Kennard, by and through his attorneys, hereby moves this Court (i) pursuant to Federal Rules of Civil Procedure 45(d)(3) and 26(c)(1) for a protective order and/or to quash the July 12, 2024 deposition subpoena served on him by Herring Networks, Inc. (“Herring”) in the pending action *US Dominion, Inc. v. Herring Networks, Inc.*, No. 1:21-cv-2130 (D.D.C., filed Aug. 10, 2021) (the “D.C. Action”); and (ii) pursuant to Federal Rules of Civil Procedure 26(g) and 45(d)(1), for sanctions on Herring and its counsel.

This Motion is based on the grounds that (i) the deposition is not relevant to the D.C. Action; (ii) the subpoena is an attempted end-run of rulings denying the same discovery in *Herring Networks, Inc. v. AT&T Inc. et al.*, No. 37-2022-8623 (Cal. Super. Ct., filed Mar. 7, 2022) (the “California Action”); (iii) the subpoena is an improper continuation of a long line of harassment by Herring of Mr. Kennard; (iv) even if relevant (it is not), the discovery sought can be obtained from other sources; (v) the subpoena should also be quashed under the Apex doctrine; and (vi) Herring and its counsel should be sanctioned for serving a clearly improper subpoena, including for an improper purpose.

Mr. Kennard respectfully requests that the Court grant his Motion, enter an Order quashing the subpoena and/or issuing a protective order, impose monetary and nonmonetary sanctions on Herring and its counsel, and grant any other and further relief that the Court may deem appropriate. The grounds for this Motion are more fully set forth in the accompanying Memorandum of Law in Support of William E. Kennard's Motion to Quash, for a Protective Order, and for Sanctions, the accompanying Declaration of William B. Monahan and Exhibits 1-8 attached thereto, the pleadings and other filings of record in the D.C. Action and in the California Action, and such other evidence as may be presented at any hearing on this Motion.

Pursuant to Local Civil Rule 7.02, the undersigned certifies that counsel for Mr. Kennard conferred with Herring's counsel and made a good faith effort to resolve the dispute that is the subject of this Motion.

[Signature page follows]

Dated: August 2, 2024

Respectfully submitted,

/s/ Merritt G. Abney

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